

IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Currently Amended): A transmission power control method in a radio communication system comprising a base station and mobile stations, comprising:

determining that a communication to be transmitted from the base station to the mobile station is either real-time traffic or non-real time traffic based on at least one of a transmission delay, maximum retransmission count and reception error rate corresponding to the communication;

determining a transmission power required for radio communication between the base station and the mobile stations;

setting a transmission power margin level added to the transmission power to a first value if the communication is real-time traffic and a second value if the communication is non-real time traffic, wherein the first value is greater than the second value; and

transmitting the communication from the base station to the mobile station based on the transmission power margin set in the setting.

Claim 2 (Currently Amended): A transmission power control method in a radio communication system comprising a base station and mobile stations, where data retransmission is allowed in radio communication between the base station and the mobile stations, the method comprising:

determining a transmission power required to satisfy a predetermined reception error rate required for radio communication between the base station and the mobile stations; and

~~wherein setting a transmission power margin level added to the provided to a required transmission power to satisfy a reception error rate required for radio communication~~

~~between the base station and the mobile stations, is set~~ so that the added transmission power margin level increases as the data retransmission count in an uplink or in a downlink increases.

Claim 3 (Currently Amended): A communication device, comprising:

means for determining that a communication to be transmitted between a base station to a mobile station is either real-time traffic or non-real time traffic based on at least one of a transmission delay, maximum retransmission count and reception error rate corresponding to the communication;

means for determining a transmission power required for radio communication between the base station and the mobile stations;

means for setting a transmission power margin level added to the transmission power to a first value if the communication is real-time traffic and a second value if the communication is non-real time traffic, wherein the first value is greater than the second value; and

means for transmitting the communication based on the transmission power margin set by the setting means .

Claim 4 (Canceled)

Claim 5 (Currently Amended): A communication device, comprising:

means of determining a transmission power required for satisfying a communication service quality required for radio communication with other communication devices; ~~and~~

means of allocating a radio resource based on the determined transmission power and transmitting data using said radio resource, where data retransmission is allowed via said radio communication; ~~; further comprising:~~

retransmission count storing means for counting a retransmission count when a same data is retransmitted and storing said retransmission count;

margin setting means for setting a transmission power margin level added to the transmission power so as to increase the transmission power margin as said retransmission count increases; and

transmission power determination means for determining a transmission power based on the set transmission power margin and said required transmission power.

Claims 6-8 (Canceled)

Claim 9 (Currently Amended): A radio communication system comprising a base station and a mobile station, wherein both said base station and said mobile station comprise:

means for determining a transmission power required to satisfy a service quality required for radio communication between the base station and the mobile station;

retransmission count storing means for counting a retransmission count when a same data is retransmitted between the base station and mobile station and storing said retransmission count;

margin setting means for setting a transmission power margin level added to the transmission power so as to increase the transmission power margin as said retransmission count increases; and

transmission power determination means for determining a transmission power based on the set transmission power margin and said required transmission power.

Claim 10 (New): A base station, comprising:

a determining unit configured to determine that a communication to be transmitted from the base station to a mobile station is either real-time traffic or non-real time traffic based on at least one of a transmission delay, maximum retransmission count and reception error rate corresponding to the communication;

a transmission power determining unit configured to determine a transmission power required for radio communication between the base station and the mobile station;

setting unit configured to set a transmission power margin level added to the transmission power to a first value if the communication is real-time traffic and a second value if the communication is non-real time traffic, wherein the first value is greater than the second value; and

a transmitter transmitting the communication from the base station to the mobile station based on the transmission power margin set in the setting.

Claim 11 (New): A base station, comprising:

a determining unit configured to determine a transmission power required to satisfy a predetermined reception error rate required for radio communication between the base station and the mobile stations; and

a setting unit configured to set a transmission power margin level added to the required transmission power so that the added transmission power margin level increases as the data retransmission count in an uplink or in a downlink increases.